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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,780

08/15/2003

Jesse J. Williams

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EXAMINER

DOUYON, LORNA M

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

06/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/604,780

Applicant(s)

WILLIAMS ET AL.

Examiner

Lorna M. Douyon

Art Unit

1796

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 04 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: None.  
Claim(s) rejected: 49,51,52,54-59,94-99 and 115.  
Claim(s) withdrawn from consideration: 1-48,87-93 and 100-113.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Lorna M Douyon/  
Primary Examiner, Art Unit 1796

Continuation of 11. does NOT place the application in condition for allowance because: of the same reasons as set forth in the final rejection. Applicants also argue that Seglin does not disclose mixing a propellant with hydrogen peroxide to pressurize the oxidizing composition to a level sufficient to spray the peroxide onto the surface to be cleaned, and that the hydrogen peroxide in Seglin is delivered to a reaction chamber via a tube and an optional pressure valve, not onto a surface to be cleaned through a dispensing spray outlet as set forth in Applicants' claim 49. Applicants also argue that Seglin specifically teaches away from storing hydrogen peroxide under high pressure such as is sufficient to spray the peroxide onto a surface to be cleaned, and that Seglin discloses that one advantage of their invention is that it does not require the use of a high pressure system (col. 1, lines 57-58) . Applicants also argue that the Seglin dispenser could not perform its intended function of producing a foam lather if the hydrogen peroxide was under high pressure, the hydrogen peroxide of Seglin must enter the reaction chamber at low enough pressure to allow it to react with a catalyst and decompose to a level sufficient to produce heat and gas to foam the soap composition.

The Examiner respectfully disagrees with the above arguments because of the following reasons. Seglin, in col. 1, lines 57-58, teaches that the dispenser does not necessarily require the use of a high pressure system. Likewise, in col. 1, lines 60-62, Seglin teaches that another object (of the invention) is to provide a method of producing warm lather in which it is not essential that a high pressure system be used. Although a high pressure is not necessarily required, or is not essential, this does not mean that a high pressure cannot be used. More so, the teachings specify high pressure. Therefore, pressures other than the "high" pressure, which include "sufficient" is envisaged. Applicants' independent claim 49 does not require the use of high pressure, rather "a level sufficient to spray...". In addition, it is clear from Seglin that an aerosol-type dispenser is disclosed, see col. 4, lines 6 and 34, and such aerosol-type dispensers should reasonably contain a propellant sufficient to discharge the contents from the container. Even assuming that the propellant in Seglin is only sufficient to discharge the content to the reaction chamber, as argued by Applicants, the propellant would still be discharged, or trigger the discharge of the composition from the dispenser.

With respect to the rejection based upon Seglin in view of the secondary references to each of Hart, Miles, Miles and Barger '492, Hart and Barger '447, Spitzer, and Lauwers, Applicants argue that the alleged combination of each of the secondary references with Seglin does not meet the deficiencies of Seglin as set forth above with respect to claim 49.

The responses to Seglin above apply here as well.